

Shri. K. B. Parab,

V/s.

Karachi, Maharashtra, S.P.M. and others.

Order passed below Exh. 33

(Date – 12.11.2025)

The appellant files the present application to continue the ad-interim relief granted as per the order passed below Exh. 5 until the disposal of the appeal. The respondents have filed their say below Exh. 35 and raised a strong objection.

2. According to the appellant, he has filed this appeal against the order of supersession. This Tribunal has passed an ad-interim order and directed the parties to maintain the status-quo with the incharge of the Headmaster; said order is still in existence. Till the disposal of the appeal, interim relief is continued; no prejudice would be caused to the respondents, and no multiplicity of the litigation would arise. Per contra, as per the say of the respondents, the appellant had not complied with the provisions of Order 39 Rule 3 of the Code of Civil Procedure; therefore, as the interim order passed below Exh. 5 does not deserve to be extended. The appellant's seniority is in dispute; thus, the balance of convenience is not in the appellant's favour. Furthermore, there has been no progress in the appellant's appeal. As the Education Officer approves the Headmaster in charge, all administrative work is severely abstracted. Because of the interim order the school facing great inconvenience in day to day administrative work, therefore, Education Officer be permitted to approve the post of Headmaster to

respondent no. 4. If the Tribunal deems fit to not to continue interim order may direct the Education Officer to grant approval on ad-hoc basis till the disposal of the appeal to the proposal of Headmaster submitted by the management, without prejudice to the appellant's right.

3. Heard both Ld. Counsel at sufficient length. They have reproduced the arguments as set out in their written pleadings.

4. I have gone through the record. It is transpired that an exparte ad-interim order was passed below Exh. 5 on 12.02.2025; therefore, the appellant was directed to comply with Order 39 Rule 3 of the Code of Civil Procedure. As a matter of fact, since 12.02.2025, ad-interim relief has continued to this day. As per the said order, the Education Officer was directed to maintain the status-quo and not to issue/grant approval to the promotion of respondent no. 4 as Headmaster. Since the respondent no. 4 was permitted by the respondent management to work as the in-charge Headmaster, due to the lack of approval from the Education Department. I do agree with the arguments advanced by the Ld. defence Counsel. Over the last 8 months, the in-charge Headmaster has handled the school administration, and it cannot be denied that this has caused inconvenience in day-to-day administrative work. It might take some more time to dispose of the matter. In such a situation, the ad-interim order cannot be extended beyond the limitation. Therefore, it would not be justifiable to extend the ad-interim order further. Hence, I pass the following order.

ORDER

1. Application stands rejected.
2. The Education Officer is to be informed to grant approval to respondent no. 4 as Headmaster on an ad-hoc basis.
3. It is directed to both parties to expedite the matter and as per the convenience of the respondent matter be fixed on the Wednesday of each week.

Date :- 12.11.2025

Place:- Kolhapur.

(V.N.Dhavle)
Presiding Officer,
School Tribunal, Kolhapur.